

# EXHIBIT 4

**BENJAMIN COTTON**  
**Smartmatic USA Corp vs Michael J. Lindell**

August 08, 2024

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1	IN THE UNITED STATES DISTRICT COURT																		
2	FOR THE DISTRICT OF MINNESOTA																		
3																			
4	SMARTMATIC USA CORP.,																		
5	SMARTMATIC INTERNATIONAL																		
6	HOLDING B.V. and SCO																		
7	CORPORATION LIMITED,																		
8																			
9	Plaintiffs,																		
10																			
11	vs.	Case No. 0:22-cv-00098-WMW-JFD																	
12																			
13	MICHAEL J. LINDELL and MY																		
14	PILLOW, INC.,																		
15																			
16	Defendants.																		
17																			
18																			
19	VIDEOTAPED DEPOSITION OF BENJAMIN COTTON																		
20	THURSDAY, AUGUST 8, 2024																		
21	9:35 a.m. PST																		
22																			
23																			
24																			
25																			

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1	BE IT REMEMBERED THAT, the videotaped deposition of																		
2	BENJAMIN COTTON was reported by Mary C. Soldati,																		
3	Registered Professional Reporter and Certified Shorthand																		
4	Reporter, on Thursday, August 8, 2024, commencing at the																		
5	hour of 9:35 a.m. PST, the proceedings being reported																		
6	remotely from Portland, Oregon.																		
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5	By Mr. Kachouroff																		
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<p style="text-align: right;">Page 85</p> <p>1 A. No.</p> <p>2 Q. So you were examining those</p> <p>3 voting systems related to other litigation in</p> <p>4 which you were retained as an expert,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Did you rely upon your forensic</p> <p>8 review of these voting systems in rendering</p> <p>9 your opinions in this litigation?</p> <p>10 A. As a corpus of knowledge, I</p> <p>11 relied on that information that I obtained</p> <p>12 through those examinations for paragraphs 20</p> <p>13 and 21, which is the general cyber security</p> <p>14 posture for voting systems.</p> <p>15 Q. And do you -- let's go through</p> <p>16 them one at a time.</p> <p>17 So the first one is the voting</p> <p>18 system in Maricopa County Arizona. What</p> <p>19 company manufactured the voting system</p> <p>20 information you reviewed from Maricopa</p> <p>21 County?</p> <p>22 A. Dominion.</p> <p>23 Q. And what type of election</p> <p>24 technology system did you forensically</p> <p>25 examine?</p>	<p style="text-align: right;">Page 87</p> <p>1 all the digital media, and then used an FTK</p> <p>2 imageer to create a forensics image of each</p> <p>3 of those components.</p> <p>4 Q. Did you yourself --</p> <p>5 (Cross talk.)</p> <p>6 A. I've got a UPS device that is</p> <p>7 beeping and it's about to go off. So I need</p> <p>8 to reset something real quick.</p> <p>9 Q. Sure, no problem.</p> <p>10 MR. FREY: We can go off the</p> <p>11 record.</p> <p>12 THE VIDEOGRAPHER: We are going</p> <p>13 off the record at 11:30 a.m.</p> <p>14 (Break taken.)</p> <p>15 THE VIDEOGRAPHER: We are back</p> <p>16 on the record at 11:33 a.m.</p> <p>17 BY MR. FREY:</p> <p>18 Q. Okay. Mr. Cotton, we are back</p> <p>19 on the record. And my question was:</p> <p>20 Based on your prior answer that</p> <p>21 you followed standard digital imaging</p> <p>22 processes, et cetera, you -- it sounds like</p> <p>23 you yourself imaged the voting system</p> <p>24 components for Maricopa County, Arizona; is</p> <p>25 that true?</p>
<p style="text-align: right;">Page 86</p> <p>1 A. I examined all aspects of the</p> <p>2 digital computing devices, which included the</p> <p>3 Election Management Server, the EMS; the EMS</p> <p>4 clients; the adjudication work stations; the</p> <p>5 ICCs, which are the scanning controllers for</p> <p>6 the canon scanners.</p> <p>7 They also had four HiPro</p> <p>8 scanners, which were high volume scanning</p> <p>9 devices. Those were included as part of that</p> <p>10 examination.</p> <p>11 Q. Did you examine any ballot</p> <p>12 marking devices?</p> <p>13 A. They did not provide the ballot</p> <p>14 marking devices as part of that subpoena.</p> <p>15 But I did examine tabulators and the</p> <p>16 tabulator data cards.</p> <p>17 Q. So tabulators, tabulator data</p> <p>18 cards, EMS, scanners.</p> <p>19 But no BMDs, right?</p> <p>20 A. Correct.</p> <p>21 Q. How did you obtain the forensic</p> <p>22 images of these components of the voting</p> <p>23 system in Maricopa County Arizona?</p> <p>24 A. So I followed standard digital</p> <p>25 imaging processes, utilized a right block for</p>	<p style="text-align: right;">Page 88</p> <p>1 A. You mean some of them. We had</p> <p>2 a team of ten people that were performing the</p> <p>3 imaging. I personally conducted the training</p> <p>4 of all people to make sure they met the</p> <p>5 standards. They were part of my company.</p> <p>6 And we had some independent contractors</p> <p>7 contacted as well for this.</p> <p>8 So we baselined everybody, did</p> <p>9 essentially a mini-validation that they were</p> <p>10 following proper procedures, and then we</p> <p>11 imaged approximately 140 terabytes of data as</p> <p>12 part of that engagement.</p> <p>13 Q. And I don't need the exact</p> <p>14 date, but do you recall the time period in</p> <p>15 which you performed this imaging?</p> <p>16 A. It would have been from the</p> <p>17 middle of May for the next two weeks.</p> <p>18 Q. May 2021?</p> <p>19 A. Yeah.</p> <p>20 Q. So it wasn't imaged at the time</p> <p>21 of the election, correct?</p> <p>22 A. No. We were relying on the</p> <p>23 Arizona Senate to provide the devices under</p> <p>24 subpoena. And so it took -- the subpoena was</p> <p>25 issued in December of 2020, and then there</p>

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<p style="text-align: right;">Page 97</p> <p>1 Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And the Court says that the</p> <p>4 special master found, quote, "No evidence</p> <p>5 that the routers, manage switches, or</p> <p>6 electronic devices in Maricopa County's</p> <p>7 Ballot Tabulations Center connected to the</p> <p>8 public Internet," right?</p> <p>9 A. I see that.</p> <p>10 Q. And is this consistent with the</p> <p>11 special master's testimony?</p> <p>12 A. That is. However, what I would</p> <p>13 like to point out here is that the special</p> <p>14 master's examination of the current state of</p> <p>15 the Maricopa County network was conducted</p> <p>16 almost two and a half months after we imaged</p> <p>17 the devices.</p> <p>18 At no time did they request or</p> <p>19 did they examine the forensics images that we</p> <p>20 created that was the basis of my testimony.</p> <p>21 So in other words, they wrote a</p> <p>22 report without looking at the evidence. They</p> <p>23 wrote a report in which not all of the</p> <p>24 evidence, as it existed at the time of the</p> <p>25 election, existed.</p>	<p style="text-align: right;">Page 99</p> <p>1 "Although the plaintiffs'</p> <p>2 claims that Maricopa County's systems</p> <p>3 can be or have been connected to the</p> <p>4 Internet are in direct contradiction</p> <p>5 to the County Defendant's evidence and</p> <p>6 the special master's findings, the</p> <p>7 Court will treat them as unpersuasive</p> <p>8 arguments rather than as false</p> <p>9 assertions of fact, allowing</p> <p>10 plaintiffs the benefit of the doubt."</p> <p>11 Do you see that?</p> <p>12 A. I think the keyword there is</p> <p>13 they allowed the plaintiffs the benefit of</p> <p>14 the doubt. If you will review my report to</p> <p>15 the Senate, I itemized specific instances in</p> <p>16 which multiple connections were made external</p> <p>17 to the Air Gap network by the EMS.</p> <p>18 Q. And you maintain control or</p> <p>19 possession of the information that you</p> <p>20 forensically reviewed in this case?</p> <p>21 A. So I returned to forensics</p> <p>22 images to the Arizona State Senate.</p> <p>23 Q. Did you rely upon the forensic</p> <p>24 images from the Maricopa County voting</p> <p>25 systems in rendering your opinions in this</p>
<p style="text-align: right;">Page 98</p> <p>1 And they relied almost</p> <p>2 exclusively on the Maricopa County officials'</p> <p>3 assertion that it was an Air Gap network.</p> <p>4 So this was his decision, but</p> <p>5 quite frankly, I don't understand how you can</p> <p>6 make this decision when they didn't look at</p> <p>7 the evidence that we preserved. And the</p> <p>8 Senate had a copy of those images.</p> <p>9 And that did not include all</p> <p>10 the equipment that the Pro V&amp;V audit report</p> <p>11 validated was present at the time of the</p> <p>12 election.</p> <p>13 You know, I think we've all</p> <p>14 been in cases where we believe the judge got</p> <p>15 it wrong. And in this case, he definitely</p> <p>16 did.</p> <p>17 Q. As the Court then goes on to</p> <p>18 state at the bottom of that page, it says:</p> <p>19 "The special master's findings</p> <p>20 are consistent with what the County</p> <p>21 has long maintained and what previous</p> <p>22 audits have likewise concluded."</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. And then the Court says:</p>	<p style="text-align: right;">Page 100</p> <p>1 case?</p> <p>2 A. From a corpus of knowledge as</p> <p>3 it pertained to cyber security, yes, in</p> <p>4 paragraphs 20 and 21.</p> <p>5 There was no dispute that they</p> <p>6 did not patch the systems, they had not</p> <p>7 updated the antivirus, they allowed remote</p> <p>8 access to the EMS, they had used the same</p> <p>9 password for all user accounts on the system.</p> <p>10 There's no dispute to that.</p> <p>11 Q. And I'm just trying to</p> <p>12 understand that -- the extent to which you</p> <p>13 relied upon that for rendering your opinions</p> <p>14 in this litigation.</p> <p>15 And that's in paragraphs 20 and</p> <p>16 21, you said, correct?</p> <p>17 A. Well, specifically to the Air</p> <p>18 Gap network, I relied on my personal</p> <p>19 knowledge and the ability to easily bypass</p> <p>20 Air Gap networks through various techniques.</p> <p>21 I did not rely on this particular finding by</p> <p>22 the judge as part of my report.</p> <p>23 Q. Okay. I want to talk about the</p> <p>24 next system that you forensically reviewed,</p> <p>25 and that's Antrim County, Michigan, correct?</p>

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<p style="text-align: right;">Page 101</p> <p>1 A. Correct.</p> <p>2 Q. And what company manufactured</p> <p>3 the voting system information you reviewed</p> <p>4 from Antrim County?</p> <p>5 A. Dominion.</p> <p>6 Q. And was that the Dominion</p> <p>7 5.5(a), did you testify earlier?</p> <p>8 A. B.</p> <p>9 Q. 5.5(b), okay.</p> <p>10 A. 5.5(b) --</p> <p>11 Q. I'm sorry?</p> <p>12 A. 5.5(a) is Georgia.</p> <p>13 Q. And what components of the</p> <p>14 voting system did you forensically review in</p> <p>15 Antrim County?</p> <p>16 A. So with Antrim County, I had</p> <p>17 access to previously imaged -- to a</p> <p>18 previously-imaged forensics image of the EMS</p> <p>19 server, as well as the poll books and I</p> <p>20 believe an ICC.</p> <p>21 Q. So no BMD, correct?</p> <p>22 A. And a BMD, yes.</p> <p>23 Q. There was a BMD?</p> <p>24 A. Yes.</p> <p>25 Q. And you don't recall one way or</p>	<p style="text-align: right;">Page 103</p> <p>1 write block.</p> <p>2 Q. Are you confident that it</p> <p>3 was --</p> <p>4 A. And it was --</p> <p>5 (Cross talk.)</p> <p>6 (Reporter clarification.)</p> <p>7 THE WITNESS: It was in the</p> <p>8 N-case format.</p> <p>9 BY MR. FREY:</p> <p>10 Q. Are you confident that it was</p> <p>11 collected in the manner that would</p> <p>12 demonstrate how it would have performed on</p> <p>13 election day?</p> <p>14 A. I saw no indications that</p> <p>15 anything was modified on it. And within the</p> <p>16 N-case forensics image format, it has a</p> <p>17 self-validation/verification function. And</p> <p>18 the images -- the image is verified.</p> <p>19 Q. And did you appear as an expert</p> <p>20 witness related to your review of the</p> <p>21 information obtained from Antrim County?</p> <p>22 A. Specific to Antrim County, I</p> <p>23 submitted an affidavit, but it did not reach</p> <p>24 court so I did not testify.</p> <p>25 Q. That litigation was dismissed</p>
<p style="text-align: right;">Page 102</p> <p>1 the other whether BMDs were used in Antrim</p> <p>2 County in the 2020 election?</p> <p>3 A. I don't recall if this was one</p> <p>4 that was actually used or one that they had</p> <p>5 imaged.</p> <p>6 I actually had imaged that one,</p> <p>7 so I don't know if that one was actually used</p> <p>8 in the election or not, so...</p> <p>9 Q. And it sounds like -- you said</p> <p>10 you imaged one thing and then they had imaged</p> <p>11 other things.</p> <p>12 So who did the -- who obtained</p> <p>13 the information that you reviewed --</p> <p>14 A. I'd have to look at the custody</p> <p>15 documents for the exact person, but I believe</p> <p>16 it was a member of an organization called</p> <p>17 ASOC.</p> <p>18 Q. Is that Colonel Waldron's</p> <p>19 organization?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. Do you know the manner in which</p> <p>22 they collected information?</p> <p>23 A. Based on the forensic images</p> <p>24 that I got, it appeared to be created with</p> <p>25 FTK Imager in conjunction with the use of a</p>	<p style="text-align: right;">Page 104</p> <p>1 by the court, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you retain control or</p> <p>4 possession of the forensic images from Antrim</p> <p>5 County?</p> <p>6 A. I returned those to the</p> <p>7 attorney.</p> <p>8 Q. Did you review the forensic</p> <p>9 images from Antrim County in the course of</p> <p>10 drafting your declaration in this case?</p> <p>11 A. I reviewed the report at some</p> <p>12 point prior to writing this, but once again,</p> <p>13 that formed the -- kind of the corpus of</p> <p>14 knowledge for paragraphs 20 and 21.</p> <p>15 Q. And in paragraphs 20 and 21,</p> <p>16 you don't cite to any specific, you know,</p> <p>17 findings or Antrim County specifically in</p> <p>18 there, correct?</p> <p>19 A. No, but what I did find was</p> <p>20 consistent among all of the Dominion systems,</p> <p>21 was an -- I would call it a complete and</p> <p>22 utter lack of cyber security practices.</p> <p>23 The systems weren't patched,</p> <p>24 the antivirus wasn't updated, there was no</p> <p>25 mechanism to validate that only certified</p>

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<p style="text-align: right;">Page 105</p> <p>1 processes were being run, that only  2 authorized MAC addresses were communicating.  3 The user passwords had never  4 been changed since the date of the  5 installation of the software, and there was  6 repeated usage of the same password within  7 each jurisdiction for all user accounts. And  8 that had been across all Dominion.  9 Q. And we just -- we don't -- to  10 your knowledge, defendants have not produced  11 any of the information you're relying on here  12 to plaintiffs in this case, right?  13 A. No one has asked for it.  14 Q. And if the request were made,  15 would you be able to provide the images you  16 reviewed from Antrim County?  17 A. I would, but I would assume  18 that that would take a court order, because  19 one company is looking at another company's  20 proprietary data. But, yes, we would produce  21 that.  22 Q. Moving on to Mesa County,  23 Colorado.  24 What voting system information  25 did you review from Mesa County, Colorado?</p>	<p style="text-align: right;">Page 107</p> <p>1 exactly what she was charged with.  2 BY MR. FREY:  3 Q. And you said you got the image  4 that you reviewed from her attorneys; is that  5 right?  6 A. Yes.  7 Q. And was that in connection with  8 the defense of her criminal case?  9 A. That was my understanding, yes.  10 Q. And what work did you do with  11 that image?  12 A. I was asked to be a  13 non-testifying expert and review the findings  14 of another team's report.  15 Q. Do you maintain control or  16 possession of the image of the Dominion EMS  17 from Mesa County, Colorado?  18 A. I do not.  19 Q. Are you relying upon your  20 review of the Dominion EMS from Mesa County,  21 Colorado in rendering your opinions in this  22 case?  23 A. Only to the effect of the cyber  24 security implications for the election  25 systems as a whole.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. I reviewed an image of the  2 Dominion EMS.  3 Q. So not a ballot-marking device,  4 correct?  5 A. Correct.  6 Q. And how did you obtain the  7 information or the image of the Dominion EMS  8 from Mesa County, Colorado?  9 A. I was provided that by the  10 legal team that was defending -- I'm sorry, I  11 don't remember her name right now -- but the  12 County clerk and the election official for  13 Mesa County.  14 Q. Is it Tina Peters?  15 A. It is. Thank you.  16 Q. Are you aware, then, that Ms.  17 Peters was indicted for copying this election  18 software from Mesa County Colorado without  19 authorization?  20 MR. KACHOUROFF: Objection.  21 (Inaudible) hypothetical.  22 Go ahead, you can answer the  23 question.  24 THE WITNESS: I knew she had  25 legal problems. I wasn't aware of</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay. What voting system  2 information did you review from Coffee  3 County, Georgia?  4 A. I was retained by Misty  5 Hampton's attorney to examine the EMS and one  6 ICC notebook as part of her defense for Misty  7 Hampton.  8 Q. And was that -- excuse me.  9 (Discussion off the record.)  10 BY MR. FREY:  11 Q. So you reviewed the EMS and an  12 ICC notebook.  13 Was that a Dominion system?  14 A. That was, yes.  15 Q. And again, that's -- you did  16 not review an image of a ballot-marking  17 device, correct?  18 A. No.  19 Q. And do you know how the image  20 that you reviewed of the EMS and ICC notebook  21 was obtained?  22 A. Yes. I was provided that by --  23 or provided access to it by Stephanie  24 Lambert, who was the attorney for Misty  25 Hampton.</p>